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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,573	03/31/2004	Georges R. Harik	0026-0074	4332

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EXAMINER

BELL, CORY C

ART UNIT PAPER NUMBER

2164

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,573	<b>Applicant(s)</b> HARIK ET AL.	
	<b>Examiner</b> Cory C. Bell	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. Claims 1-28 have been examined.

#### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-24 are rejected under 35 USC 101 as they fail to provide a useful, concrete, and tangible result. These claims fails to produce a useful result, as although the claims calculate a value and use that value to rank documents they fail to provide any utility to a user, unless the ranked results are based on a users search and are then returned to the user based on the ranking.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, and 9-28 are rejected under 35 U.S.C. 102(b) as being anticipated by “Context Query in Information Retrieval,” known hereafter as Chi.

4. *As per Claim 1*, Chi teaches the limitations as follows:

1. A method of calculating a distance value between terms in a document comprising:

locating implicitly defined semantic structures in the document; {Rule 6, or

Rule 4} and

calculating the distance values in the document based on the implicitly defined semantic structures { Rule 1, Rule 6, and Rule 4}.

5. *As per Claim 2*, Chi teaches the limitations as follows:

2. The method of claim 1, wherein the document is a HTML (Hyper-Text Markup Language) document. {Section 4 para 1}

6. *As per Claim 3*, Chi teaches the limitations as follows:

3. The method of claim 2, wherein the implicitly defined semantic structures include lists created with HTML tags {Rule 6}.

7. *As per Claim 4*, Chi teaches the limitations as follows:

4. The method of claim 3, wherein the HTML tags include paragraph tags, new line tags, bold tags, or table tags {Rule 6}.

8. *As per Claim 5*, Chi teaches the limitations as follows:

5. The method of claim 1, further comprising:  
locating explicitly defined semantic structures. {Rule 5}

9. *As per Claim 6*, Chi teaches the limitations as follows:

6. The method of claim 1, wherein the semantic structures include lists. {Rule 5, Rule 6}

10. *As per Claim 9*, Chi teaches the limitations as follows:

9. The method of claim 1, wherein the implicitly defined semantic structures include titles or headings(Rule 2, Rule 4, Rule 6).

11. *As per Claim 10*, Chi teaches the limitations as follows:

See Claim 1 rejection.

12. *As per Claim 11*, Chi teaches the limitations as follows:

11. The device of claim 10, further comprising:

means for generating a ranking score for the document, based on the distance value, that defines a relevancy of the document to the terms. {Section 5.1 3<sup>rd</sup> para}

13. *As per Claim 12*, Chi teaches the limitations as follows:

See Claim 11 and 10 rejections.

14. *As per Claim 13*, Chi teaches the limitations as follows:

See Claim 6 rejection.

15. *As per Claim 14*, Chi teaches the limitations as follows:

See Claim 6 rejection.

16. *As per Claim 15*, Chi teaches the limitations as follows:

The method of claim 13, wherein determining the semantically

based distance values further includes:

assigning a distance value indicative of closeness when two terms are present in a same item of the list. {Rule 5, Rule6 }

17. *As per Claim 16*, Chi teaches the limitations as follows:

16. The method of claim 12, further comprising:

locating implicitly defined semantic structures in the documents; and

using the implicitly defined semantic structures in determining the semantically based distance values. {Rule 6}

18. *As per Claim 17*, Chi teaches the limitations as follows:

17. The method of claim 16, wherein the implicitly defined semantic structures are located prior to the ranking. {Section 5.1 3<sup>rd</sup> para} As the rules are used in determining the ranking it is inherent that the structures are located prior to ranking the documents.

19. *As per Claim 18*, Chi teaches the limitations as follows:

See Claim 2 rejection.

20. *As per Claim 19*, Chi teaches the limitations as follows:

See Claim 3 rejection.

21. *As per Claim 20*, Chi teaches the limitations as follows:

See Claim 4 rejection.

22. *As per Claim 21*, Chi teaches the limitations as follows:

See Claim 9 rejection.

23. *As per Claim 22*, Chi teaches the limitations as follows:

See Claim 12 rejection.

24. *As per Claim 23*, Chi teaches the limitations as follows:

See Claim 1 rejection.

25. *As per Claim 24*, Chi teaches the limitations as follows:

24. The device of claim 24, wherein the processor further:

receives a search query that contains the terms. {Section 1 para 3}

26. *As per Claim 25*, Chi teaches the limitations as follows:

25. A method comprising:

receiving a search query; {Section 1 para 3}

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locating implicitly defined semantic structures in documents;  
calculating distance values for the documents based on the implicitly  
defined semantic structures and based on terms in the search query; {See Claim 1 rejection}  
ranking the documents for relevancy to the search query based on the  
distance values; and  
presenting the documents in an order influenced by the ranking. {Section 5.1 paras 2 and  
3}

27. *As per Claim 26*, Chi teaches the limitations as follows:

See Claim 2 rejection.

28. *As per Claim 27*, Chi teaches the limitations as follows:

See Claim 3 rejection.

29. *As per Claim 28*, Chi teaches the limitations as follows:

See Claim 5 rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chi, in view of applicants admitted prior art.

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31. Claim 7 teaches the determination of proximity of search terms, but fails to expressly disclose the method for calculating the proximity. However the applicant admits this method is known is para 5 of the specification "Closeness of terms in this context may be measured simply by counting the number of words in the document occurring between the search terms.". Thus it would have been obvious to one of ordinary skill in the art to use this method to calculate the proximity, as it was known function in the art for determining proximity.

32. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chi, in view of "Automatic Discovery of Semantic Structures in HTML Documents," known hereafter as Mukherjee.

33. Chi Teaches the claims upon which claim 8 is dependant, but fails to expressly disclose "locating repeating occurrences of a set of two or more text formatting commands." However this feature is taught by Makherjee in the section labeled our approach. Thus, it would have been obvious to one of ordinary skill in the art to use the teachings of Makherjee in the invention as it would locate contexts that would not have been found in the system of Chi and thus make the results more accurate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**CHARLES RONES**  
**SUPERVISORY PATENT EXAMINER**